

Remarks

Claims 1-30 are pending in the present application and are rejected.

Claims 1 and 21 are amended to replace “an organic ester” with “ isobutyl butyrate.”

Claim Rejections Under 35 U.S.C. § 112

Claims 28-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 28-29 are cancelled rendering this rejection moot.

Double Patenting

Claims 1-30 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 6,890,972.

Applicants will file a terminal disclaimer upon receiving an indication that all claims are allowable but for the double patenting rejection.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 5, 7, 9-12, 15, 18 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Daugherty et al (4,738,725).

Claims 1-5, 7, 9-13 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brenneman et al (4,721,739).

Claim 1 is amended to include replace “an organic ester” with “ isobutyl butyrate.” Neither Daugherty et al nor Brenneman et al disclose using isobutyl butyrate.

Accordingly, claims 1, 5, 7, 9-13, 15, and 18-20 are allowable under 35 U.S.C. § 102(b) .

Claim Rejections Under 35 U.S.C. § 103

Claims 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daugherty et al (4,738,725) in view of Miyajima et al (4,629,748).

Claims 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenneman et al (4,721,739) in view of Miyajima et al (4,629,748).

Claims 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenneman et al (4,721,739) in view of Williams et al (4,367,966) or Koyama (5,977,211).

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Daugherty et al (4,738,725) or Brenneman et al (4,721,739) each in view of Murakami et al (4,357,431) or Farmer, III (4,391,927).

Claims 13-17 depend from claim 1 which is shown above to be allowable. Accordingly, claims 13-17 are now allowable under 35 U.S.C. § 103(a),

Claims 21-23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenneman et al (4,721,739) in view of Murakami et al (4,357,431) or Farmer, III (4,391,927).

Claim 21 is amended to replace “an organic ester” with “ isobutyl butyrate.” None of Brenneman et al, Murakami et al, or Farmer disclose using isobutyl butyrate.

Accordingly, claims 21-23 and 25 are allowable under 35 U.S.C. § 103(a) over Brenneman et al in view of Murakami et al or Farmer, III

Conclusion

Applicants have made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

The fee for the one month extension of time in the amount of \$60.00 is being filed electronically herewith. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,
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